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TAGS: [IZ](#) [KDEM](#) [PGOV](#) [PHUM](#) [PREL](#)
SUBJECT: DEPUTY SECRETARY ON PROVINCIAL ELECTIONS AND
CONSTITUTIONAL REVIEW

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

[¶1.](#) (C) Summary: At a luncheon hosted by the Deputy Chief of Mission, the Deputy Secretary emphasized the importance of provincial elections and constitutional review to advance national reconciliation. Deputy Speaker of the Council of Representatives (CoR) Sheikh Khalid Al-Attiya (Shia - United Iraqi Alliance) stated that before the CoR recesses, he anticipates both provincial powers legislation and elections legislation to be passed. Deputy Chairman of the Constitutional Review Committee (CRC) and member of the CoR Ayad Samaraii (Sunni - IIP) said that agreement had been reached in principal among members of the CRC on all key issues and that the next step was endorsement by the key political parties. The Deputy Secretary urged that the CoR soon pass an elections law that sets a date for provincial elections. End Summary.

What Iraq Needs to Prepare for Elections

[¶2.](#) (C) The Deputy Secretary initiated the discussion by stressing the importance of Iraq taking critical steps toward achieving national reconciliation. Among these steps were new provincial council elections and completion of Iraq's constitutional review process leading to a referendum. Both steps were goals that Iraqis had set for themselves. The Deputy Secretary emphasized that the Iraqi people and the international community need to see Iraqi political leaders make progress toward achieving these goals.

[¶3.](#) (C) Independent High Electoral Commission (IHEC) Chairman Faraj Al-Haidari (Kurd) told the Deputy Secretary that his new commission was beginning to develop the structures necessary to prepare for elections or a referendum. However, he stated, whether and when Iraq holds provincial elections is a political decision for the CoR to make through the passage of an elections law. The other members of the CoR present at the lunch nodded agreement.

[¶4.](#) (C) Deputy Speaker Al-Attiya confirmed that the old elections law used for the CoR elections in December 2005 is still valid and could be used again for provincial elections. (Note: UN and US legal experts have stated that the law would require certain technical amendments to bring it up to date before it could be used again, e.g. the elections law must recognize the new IHEC. End Note.) However, Deputy Speaker Al-Attiya also asserted that it would be preferable to pass the provincial powers law first, so that the voters would know what the candidates were being elected to do. He noted that the powers of the existing provincial councils were defined prior to the ratification of the new Iraqi constitution.

[¶5.](#) (C) Chairman Faraj Al-Haidari told the group that if the goal of provincial elections is to facilitate national reconciliation, then there are two other problems that must

be addressed: first, the problem of the disputed administrative borders of the governorates, and second, how to ensure that internally displaced persons are able to vote.

The United Nations Assistance Mission for Iraq (UNAMI) Chief Electoral Advisor Sandra Mitchell stated that it is possible to hold elections using the same boundaries used in the last election. UK Ambassador Asquith suggested that IDPs could vote using the public distribution system (PDS) used for food distribution. He further stated that if we wait until all the disputed borders are resolved, it could take a decade. DCM Speckhard noted that we must manage a balancing act between the political need to have elections early to facilitate reconciliation and the technical need to have all steps in place for a successful event.

Elections Timing

¶6. (C) The Deputy Secretary pressed on when might be a reasonable date for provincial elections. Deputy Speaker Al-Attiya stated that, although the UNAMI report recommended a six month preparatory period before elections, maybe the IHEC could do it in a shorter amount of time. "They (the Independent Electoral Commission of Iraq, the IHEC's predecessor) successfully faced this challenge before," he said. "If the law is ratified in the next two months, then maybe we can have elections before the end of the year," stated Al-Attiya. Chairman Al-Haidari confirmed that while elections within a couple of months are not realistic for technical reasons, elections at the beginning of next year are possible. UNAMI Chief Electoral Advisor Mitchell noted that this timeline depended on 1) the voter registry used be a refreshed version on the PDS-derived registry used in the

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December 2005 election and 2) the election continuing to be province-based, eliminating the need to define electoral districts.

¶7. (C) UK Ambassador Asquith asked how much preparatory work Iraq could do before an elections law is passed; could Iraq prepare for an election with a certain date in mind, before a date is set in legislation. Chief Electoral Advisor Mitchell stated that preparation of a voter registry and the required update of the PDS could begin now, before a date is set. DCM observed that to have successful elections by the end of the year, the decision to use the PDS system as voter registry must be made now, otherwise there would be a perpetual delay. Chairman Al-Haidari agreed that the IHEC could begin work on the PDS now, before the passage of the elections law.

CONSTITUTIONAL REVIEW

¶8. (C) Turning to the issue of constitutional review, the Deputy Secretary congratulated the CRC for their recent progress and asked about next steps. Samaraii said that although members of the CRC had reached agreement in principal on key amendments, they need to involve the Prime Minister, the Presidency Council, and Kurdish leadership to have meetings on the issue. Deputy Speaker Al-Attiya agreed, saying that although significant progress had been made recently, the Kurds appeared to retreat on issues related to oil and the powers of governorates. Mr. Samaraii reported that Iraqi President Jalal Talibani had assured him in a recent conversation that the Kurds are committed to a successful conclusion to the CRC process. The Deputy Secretary observed that the development of federalism takes

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many years, and that this legislation is only one part of a long process that cannot be completed overnight.

¶9. (C) Chief Electoral Advisor Mitchell stated that once the

constitutional amendments are ratified by the CoR, there will be a referendum, which will also need a voter registry. UK Ambassador Asquith noted that this could provide additional political cover for the IHEC to begin work on an updated voter registry. The Deputy Secretary asked if the IHEC could update the voter registry on its own authority. Chief Electoral Advisor Mitchell responded that it could. Deputy Speaker Al-Attiya confirmed that a voter registry update does not require a decision by the government and that the IHEC has the authority to initiate an update on its own accord.

¶10. (C) The Deputy Secretary closed the luncheon by noting that in 2004, when the U.S. and Iraq were wrestling with the decision of when to schedule elections, they realized in the end that setting a date became an organizing principle. He encouraged the parties to set a date for provincial elections to help drive the legislative process.

¶11. (U) This reporting message has been cleared by the Deputy Secretary's staff.

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